

## §3173-H. Services delivered through telehealth

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Asynchronous encounters" means the interaction or consultation between a patient and the patient's provider or between health professionals regarding the patient through a system with the ability to store digital information, including, but not limited to, still images, video, audio and text files, and other relevant data in one location and subsequently transmit such information for interpretation at a remote site by health professionals without requiring the simultaneous presence of the patient or the health professionals. [PL 2019, c. 649, §1 (AMD).]

A-1. "Health professional" means a provider or an individual, facility or organization with whom a provider consults in order to provide care to a patient. [PL 2019, c. 649, §1 (NEW).]

A-2. "Patient" means a MaineCare member. [PL 2019, c. 649, §1 (NEW).]

A-3. "Provider" means an individual, a facility or an organization that provides services under the MaineCare program. [PL 2019, c. 649, §1 (NEW).]

B. "Store and forward transfers" means transmission of a patient's recorded health history through a secure electronic system to a health professional. [PL 2019, c. 649, §1 (AMD).]

C. "Synchronous encounters" means a real-time interaction conducted with interactive audio or video connection between a patient and the patient's provider or between health professionals regarding the patient. [PL 2019, c. 649, §1 (AMD).]

D. "Telehealth," as it pertains to the delivery of MaineCare services, means the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring. [PL 2021, c. 291, Pt. A, §1 (AMD).]

E. "Telemonitoring," as it pertains to the delivery of MaineCare services, means the use of information technology to remotely monitor a patient's health status via electronic means, allowing the provider to track the patient's health data over time. Telemonitoring may be synchronous or asynchronous. [PL 2021, c. 291, Pt. A, §2 (AMD).]

[PL 2021, c. 291, Pt. A, §§1, 2 (AMD).]

**2. Grants.** The department may solicit, apply for and receive grants that support the development of the technology infrastructure necessary to support the delivery of MaineCare services through telehealth and that support access to equipment, technical support and education related to telehealth for providers.

[PL 2019, c. 649, §1 (AMD).]

**3. Annual report.** Beginning January 1, 2018 and annually thereafter, the department shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the use of telehealth in the MaineCare program, including the number of providers providing telehealth and telemonitoring services, the number of patients served by telehealth and telemonitoring services and a summary of grants applied for and received related to telehealth and telemonitoring.

[PL 2019, c. 649, §1 (AMD).]

**4. Education.** The department shall conduct educational outreach to providers and MaineCare members on telehealth and telemonitoring services.

[PL 2017, c. 307, §2 (NEW).]

**5. Rules.** The department shall adopt routine technical rules as defined by Title 5, chapter 375, subchapter 2-A to carry out the provisions of this section. Rules adopted by the department:

A. May not include any requirement that a patient have a certain number of emergency room visits or hospitalizations related to the patient's diagnosis in the criteria for a patient's eligibility for telemonitoring services; [PL 2017, c. 307, §2 (NEW).]

B. Except as provided in paragraph E, must include qualifying criteria for a patient's eligibility for telemonitoring services that include documentation in a patient's medical record that the patient is at risk of hospitalization or admission to an emergency room; [PL 2019, c. 649, §1 (AMD).]

C. Must provide that group therapy for behavioral health or addiction services covered by the MaineCare program may be delivered through telehealth; [PL 2019, c. 649, §1 (AMD).]

D. Must include requirements for providers providing telehealth and telemonitoring services; and [PL 2019, c. 649, §1 (AMD).]

E. Must allow at least some portion of case management services covered by the MaineCare program to be delivered through telehealth, without requiring qualifying criteria regarding a patient's risk of hospitalization or admission to an emergency room. [PL 2019, c. 649, §1 (NEW).]

[PL 2019, c. 649, §1 (AMD).]

**6. Consent for telehealth and telemonitoring services.** A patient may provide verbal, electronic or written consent for telehealth and telemonitoring services under this section.

[PL 2021, c. 291, Pt. A, §3 (NEW).]

#### SECTION HISTORY

PL 2017, c. 307, §2 (NEW). PL 2019, c. 649, §1 (AMD). PL 2021, c. 291, Pt. A, §§1-3 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.